

PHYSICIAN ASSISTANT COMMITTEE

MINUTES

November 8, 2007
Greg Gorges Conference Room
1424 Howe Avenue
Sacramento, CA 95825

9:00 a.m. - 4:00 p.m.

1. Call to Order by Chairman

Chairman Sachs called the meeting to order at 9:10 A.M.

2. Roll Call

Staff called the roll. A quorum was present.

Committee Members Present: Robert Sachs, PA-C
Cristina Gomez-Vidal Diaz
Steve Klompus, PA
Tina Melendrez-Meyer, PA-C
Shaquawn D. Schasa
Shelia Young

Committee Members Absent: Lorelei Sun, PA-C

Staff Present: Elberta Portman, Executive Officer
Kurt Heppler, Staff Counsel, Dept. of Consumer Affairs
Linda Bronson, Licensing Analyst
Lynn Forsyth, Staff Services Analyst
Glenn Mitchell, Licensing Analyst
Dianne Tincher, Enforcement Analyst

3. Introduction of New Committee Members (Sachs)

Chairman Sachs introduced Shelia Young to the Physician Assistant Committee (PAC). Shelia Young has owned a paralegal service for thirty years in the Bay Area, is a Governor Appointee and was previously mayor of San Leandro.

Chairman Sachs introduced Linda Bronson, the new licensing technician for the PAC. Ms. Bronson had previously been employed at the Board of Registered Nursing.

4. Approval of Minutes – August 30, 2007 meeting
The August 30, 2007 minutes were approved as amended with a few modifications.
(m/Klompus/s/Diaz/c)

The following amendments were made: On page 5, item number 6, line 13, add the word “in” to read “not in a regulation”. On page 6, number 8, delete the last sentence, and under number 10, change the sentence “As a consequence, the Committee’s mandate to enforce the law will require regulations”, and delete the remainder of the paragraph. On page 7, under number 12, change the sentence to read, “No public comment was received”.

5. Presentation to Outgoing Legal Counsel Laura Freedman Eidson and Outgoing Committee Members Dr. Laurie Gregg and Rebecca Grisby. (Sachs)

Chairman Sachs presented a plaque to both former PAC members Dr. Laurie Gregg and Rebecca Grisby. Dr. Gregg was not able to attend the meeting, so her plaque will be sent to her.

6. Reports
 - a. Chair's Report (Sachs)

Mr. Sachs reported that he met with Carrie Lopez, Director of the Department of Consumer Affairs (DCA). Discussion revolved around the future of DCA and possible changes she may implement affecting boards and committees.

Mr. Sachs reported that Governor Schwarzenegger signed three bills relating to PAs: AB 3, AB 139 and SB 102. Mr. Sachs has requested PAC legal counsel to provide advice on how best to implement the requirements of AB 3.

Mr. Sachs reported on a lecture he presented to students at Riverside Community College physician assistant training program in October. He also attended the California Academy of Physician Assistant Conference along with several committee members.

Mr. Sachs also reported that Kurt Heppler has returned to the PAC as legal counsel replacing Laura Freedman Eidson.

- b. Executive Officer's Report (Portman)

Ms. Portman reported on the scheduled relocation of the PAC’s office to a new location on Evergreen Drive. Ms. Portman stated that the date for the move is scheduled for February 2008.

Ms. Portman reported on the status of the proposed regulation for the declaration of services agreement. Ms. Portman appeared before the Medical Board at their November 2007 meeting and at that meeting the regulation was set for hearing on February 1, 2008.

Quotes are being received to determine whether plastic credit card type licenses can be printed, rather than continuing to print and issue paper licenses. The PAC continues to receive calls and requests to change to plastic licenses as the paper licenses do not hold up under normal wear and tear, necessitating the licensee to order a duplicate license at the licensee’s expense.

Ms. Portman reported on the status of the probation monitoring transition, noting that as of November 1, 2007, the PAC probation cases are being monitored by retired annuitants, which have been hired by both the PAC and Board of Podiatric Medicine. The retired annuitants are former retired Medical Board investigators, and many already worked on our cases. One important benefit derived from this transition is the PAC now has monitors dedicated to only working on the PAC and Board of Podiatric Medicine cases. As a result, the monitors will be more knowledgeable about our laws and regulations.

c. Licensing Program - activity report (Bronson)

Ms. Bronson stated that between August 1, 2007 and October 1, 2007, 85 licenses were issued, and 36 interim approvals were issued. In comparison, from August 1, 2006 to October 1, 2006, 93 licenses were issued and 24 interim approvals were issued. As of October 1, 2007, 6,565 licenses have been issued, with a total of 155 approved programs.

d. Diversion Program - activity report (Mitchell)

As of October 2007, the Diversion Program has 12 participants, four of whom are voluntary participants and eight are PAC referrals. There have been 68 participants since implementation of the Diversion Program.

e. Enforcement Program - activity report (Tincher)

Ms. Tincher reported that between July 1, 2007 and September 30, 2007, the PAC received 40 complaints, closed 49 complaints, with 47 complaints pending. The disposition of the complaints was 23 cases were closed with merit, 26 cases were closed with insufficient evidence.

As for investigations, Ms. Tincher reported that 9 cases were opened and 13 cases were closed, with 34 cases pending.

Ms. Tincher reported that there are 37 active and three tolled probationers. The cost recovery ordered for the fiscal year was zero and during that time the PAC received \$1,271 in cost recovery. In disciplinary decisions, there was one license denied, one non-adoption; one license placed on probation, one voluntary surrender, and one probationary license was issued. Additionally, there were five accusations, and 21 cases pending at the Office of the Attorney General. In regard to citations, one was closed, with two pending citations.

7. Presentation – Fund Condition, Kathy Klumpe, Analyst, Department of Consumer Affairs Budget Office

Kevin Peterson from the DCA's Budget Office presented to the PAC the current fund condition. Mr. Peterson provided information on the fund condition from the period of 2002/2003 and projected to 2009/2010. Mr. Peterson stated the PAC's fund condition is quite stable and healthy. The reserve that the PAC retains is projected to be 17.7 months by 2009/2010, which is well in line with the maximum reserve of 24 months.

Discussion ensued about the enforcement budget and that the budget will be monitored during this fiscal year to see if the fund condition is adequate. In prior years the PAC suspended enforcement processing because of increased costs in the enforcement area.

Ms. Gomez-Vidal Diaz commented on the trends that she has observed as a PAC member and that as a result of the new laws and the licensing population growth, we may see more enforcement cases and may need to review trends to see where funding needs to be retained.

8. Update and Discussion Concerning Proposed Legislation Requiring Continuing Education for California Physician Assistants (Klompus)

Staff will meet with DCA legislative staff to seek an author for the proposed legislation.

9. Nomination and Election of Physician Assistant Committee Officers

Mr. Robert Sachs was nominated and elected to the Chairman position for 2008.
(m/Klompus/s/Young/c)

Mr. Steven Klompus was nominated and elected to the Vice-Chairman position for 2008.
(m/Sachs/s/ Melendrez-Meyer/c)

10. Discussion on Implementation of Assembly Bill (AB) 3 (Sachs)

Chairman Sachs gave the background on Assembly Bill 3, which was introduced by Assemblywoman Karen Bass and becomes effective on January 1, 2008. The PAC will need to establish course standards and then promulgate regulations. Mr. Heppler suggested that technical expertise is needed from the regulated community. This could be accomplished with a task force to bring together the expertise that exists within the regulated community as a publicly noticed meeting. After that, the next decision is whether or not the PAC or the Medical Board of California will promulgate the regulations. The regulation process will take several months to complete.

Chairman Sachs appointed an AB 3 Task Force comprised of Steve Klompus, Christina Gomes-Vidal Diaz, Shelia Young, Tina Melendrez-Meyer, and Bob Miller, member of the California Academy of Physicians Assistants. Chairman Sachs also recommended a representative from the Medical Board serve as a Task Force member as well.

Chairman Sachs noted AB3 eliminates the patient specific drug order if the physician assistant completes a course approved by the PAC. However, the law is voluntary. The supervising physician may continue to require patient specific drug authority in their individual practice, even if the physician assistant has taken the course.

11. Presentation by Department of Consumer Affairs' Office of Examination Resources on Examinations

Sonja Merold from Examination Resources presented information to the PAC on creation and administration of examinations. Discussion ensued and the item was referred to Steve Klompus for future consideration.

12. Legislation (Sachs) Bills: AB 1393, SB 1048, **AB 1025**

The Governor vetoed AB 1393 and AB 1025. AB 1393 as of July 1, 2009, would require any state agency that publishes an Internet Web site to include on the homepage of that site specific information that is not exempt from disclosure under the act, how to contact the agency, how to request records under the act, and a form for submitting online requests for records. AB 1025 would have provided that a person may not be denied licensure based solely on a criminal conviction if the

person has been rehabilitated, as specified. SB 1048 was signed by the Governor and has been chaptered. Physician assistant licensees can be ordered to pay probation monitoring costs, and the length of time for reinstatement has been lengthened.

13. Review of current Strategic Plan (Sachs)

The PAC reviewed the Strategic Plan of 2004 and after discussion, decided that a review and update of the plan will be needed.

14. Discussion of Potential Regulatory Amendment to Section 1399.571 Citations (Heppler)

Mr. Heppler reported to the PAC that one of the options available for enforcement actions is the issuance of a citation and fine. Discussion ensued about whether to raise the fine amount from a maximum of \$2,500 to \$5,000 and to change the regulation to increase the number of allowable offenses from the current list.

Motion Diaz/s/Schasa – Motion to amend the documentation/regulation to include the provision of up to \$5,000 and also clean up and allow changes to the regulation to allow increased numbers of allowable offenses. Mr. Heppler will have language to present at the next meeting.

15. Approval of passing score for physician assistant initial licensing examinations for 2008 (Sachs)
(a) Approval of dates and locations for physician assistant initial licensing examination for 2008.
Motion: Young/s/Klompus

16. Discussion of Physician Assistants working with a Delegation of Services Agreement for more than one physician and the number of hours worked (Sachs)

Chairman Robert Sachs discussed a concern by Ms. Young about whether a physician assistant, while having the opportunity to work for four different doctors, was not required by law to inform the supervising physicians of the other employment arrangements in the event that the hours worked by the PA were excessive, thus, negatively impacting patient care. Discussion ensued.

17. Items for Next Meeting (Sachs)

Strategic Plan
AB3
CME Update
Citation and Fine Update
Disciplinary Guidelines
Enforcement BCP
Report from the AB3 Task Force

18. Schedule Meeting Dates and Locations for 2008 (Sachs)

Meeting dates 2008:

February 6th (Wednesday) Los Angeles
May 1st (Thursday) Sacramento
August 14th (Thursday) Los Angeles
November 13th (Thursday) Sacramento

19. Public Comment on Items Not On The Agenda (Sachs)

There was no public comment received.

20. CLOSED SESSION: Pursuant to Section 11126(c) (3) of the Government Code, the PAC moved into closed session to deliberate on disciplinary matters (Sachs)

21. CLOSED SESSION: Pursuant to Section 11126(a)(1) of the Government Code, the PAC moved into closed session to conduct the annual evaluation of the Executive Officer (Sachs)

22. Meeting adjourned at 2:30 P.M.